

# United States Senate

WASHINGTON, DC 20510-7012

January 26, 2012

0156  
PS HB  
Public Safety Issue

Julius Genachowski  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

RE: FCC Docket No. 06-229

Dear Chairman Genachowski:

Please find attached a recent letter from the Nevada Commission on Homeland Security (NCHS) urging your agency to immediately approve the Nevada Waiver Request filed in May of 2010. The NCHS has prioritized the development of Nevada's planned statewide interoperable public safety wireless broadband network in FY 2012, and intends to dedicate funds for this purpose. However, unless the FCC approves the Nevada Waiver Request by March 01, 2012 – little more than a month from now – these dedicated funds will have to be reallocated. . I would point out that Nevada's request is not unique: your agency recently provided the State of Texas with a waiver under similar circumstances.

The Nevada Waiver Request is about the safety of Nevada's citizens, who depend on the first responder community to protect them. Last week, Governor Sandoval declared a state of emergency when, in less than six hours, a 3,700 acre wildfire forced the evacuation of almost 10,000 residents, businesses and schools. The fire destroyed 29 homes and countless livestock. The danger was great enough that Vice President Biden and the audience he was speaking to at a nearby school had to be evacuated.

Nevadans continue to face grave threats from this sort of natural disaster, but the dangers they face can be vastly mitigated with implementation of Nevada's planned multi-jurisdictional interoperable public safety radio communications. Our communications strategies and tactics to protect the public are dependent on Nevada receiving the waiver it requested nearly two years ago.

I wrote your agency about this in mid-November of last year, and received a response three weeks ago that the waiver was still being considered. Our state and region require your immediate attention in completing the review and approval of the Nevada Waiver Request. Critical funding timelines and program implementation schedules are at risk, and this puts the public at risk.

Thank you for your consideration on this matter. Please contact Bob Herbert of my staff at (202) 228-4578 if you would like to discuss any aspect of this request.

Sincerely,



HARRY REID  
United States Senator

Enclosure: Waiver Request, Nevada Commission on Homeland Security

Brian Sandoval  
Governor

STATE OF NEVADA

Brian Sandoval  
Chairman

Michael Haley  
Vice Chairman



## NEVADA COMMISSION ON HOMELAND SECURITY

2478 Fairview Drive  
Carson City, NV 89701

January 13, 2012

Chairman Julius Genachowski  
Federal Communications Commission  
Room: 8-B201  
445 12th Street, SW  
Washington, D.C. 20554

**Re: Request for Waiver Filed by the Nevada Department of Transportation,  
Las Vegas Metropolitan Police Department, Washoe County Sheriff's Office,  
Washoe County Regional Communication System and NV Energy ("Request")**

Chairman Genachowski:

On behalf of the Nevada Commission on Homeland Security (NCHS), I (and my vice chair) write to inform you that on January 7, 2012, the NCHS prioritized the development of Nevada's planned statewide, interoperable public safety wireless broadband network (Network) for FY 2012 and dedicated funding is available for this purpose. However, due to the uncertainty created by the current lack of authorization from the Federal Communications Commission ("Commission") to begin development of Nevada's Network, the funds dedicated will be reallocated on March 1, 2012 unless the Commission approves Nevada's Request. Consequently, allocated state dollars that would otherwise be invested beginning in FY 2012 for development of Nevada's Network will be lost. For this reason, the NCHS urges the Commission to immediately approve the Request.

The NCHS, which I chair, is responsible for directing funding for development of Nevada's Network. As you know, on May 9, 2010 Nevada requested that the

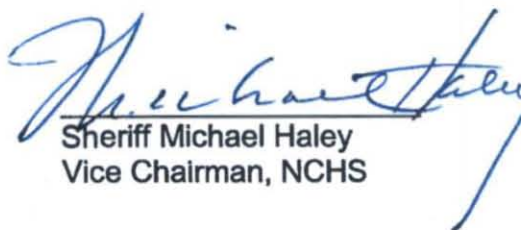
- 1) The NCHS urges the Commission to immediately approve the Nevada Waiver Request;
- 2) The NCHS has now prioritized the development of Nevada's planned Network in FY 2012, and plans to dedicate funds for this purpose; and
- 3) These dedicated funds will be redirected on March 1, 2012, unless the Commission has approved the Nevada Waiver Request.

Simply put, Nevada is ready to invest funds for development of its Network but will not do so without a Commission waiver by March 1, 2012. The NCHS greatly appreciates your attention to this critical matter, and urges immediate approval of the Nevada Waiver Request.

Sincere regards,

A handwritten signature in blue ink, appearing to read "B. Sandoval", written over a horizontal line.

Governor Brian Sandoval  
Chairman, NCHS

A handwritten signature in blue ink, appearing to read "Michael Haley", written over a horizontal line.

Sheriff Michael Haley  
Vice Chairman, NCHS





BRIAN SANDOVAL  
Governor

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION  
1263 S. Stewart Street  
Carson City, Nevada 89712

SUSAN MARTINOVICH, P.E., Director

In Reply Refer to:

January 17, 2012

*Via Electronic Filing*

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, D.C. 20554

Re: Ex Parte Notice, Docket No. PS 06-229; *Request for Waiver Filed By The Nevada Department of Transportation, Las Vegas Metropolitan Police Department, Washoe County Sheriff's Office, Washoe County Regional Communication System and NV Energy (Nevada Waiver Request).*

Dear Ms. Dortch:

I attached a letter from Brian Sandoval, Governor of the State of Nevada, and Michael Haley, Sheriff of Washoe County, Nevada, on behalf of the Nevada Commission On Homeland Security (NCHS), reflecting the NCHS's motion of January 7, 2012 making clear to the Federal Communications Commission that:

- 1) The Nevada Homeland Security Commission urges the Federal Communications Commission to immediately approve the Nevada Waiver Request;
- 2) The Nevada Homeland Security Commission has now prioritized the development of the State of Nevada's planned statewide, interoperable public safety wireless broadband network in FY 2012, and plans to dedicate funds for this purpose; and
- 3) These dedicated funds will be reallocated on March 1, 2012, unless the Federal Communications Commission has approved the Nevada Waiver Request.

Once again, I thank the Commission for its attention to this matter, and ask it to immediately approve the Nevada Waiver Request.

Sincerely,

Richard J. Nelson, P.E., F.ASCE  
Assistant Director, Operations





FEDERAL COMMUNICATIONS COMMISSION

July 26, 2012

JULIUS GENACHOWSKI  
CHAIRMAN

The Honorable Harry Reid  
United States Senate  
522 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Reid:

Thank you for your letter regarding Nevada's waiver request. I appreciate your bringing this matter to my attention and have directed the Chief of the Public Safety and Homeland Security Bureau to respond. I am pleased to provide the enclosed letter addressing your concerns.

If you have any additional questions or need any further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, consisting of a stylized 'J' followed by a horizontal line and a small dot at the end.

Julius Genachowski

Enclosure



Federal Communications Commission  
Washington, D.C. 20554

July 26, 2012

In Reply Refer To:  
1200156

The Honorable Harry Reid  
United States Senate  
522 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Reid:

I am responding to your letter dated January 29, 2012, urging approval of a request for waiver filed by the State of Nevada. The State of Nevada filed a waiver request on May 13, 2010, seeking authority to deploy a public safety broadband system in the 10 megahertz of 700 MHz public safety broadband spectrum currently licensed to the Public Safety Spectrum Trust (763-768/793-798 MHz bands).

As you know, the Middle Class Tax Relief and Job Creation Act (Spectrum Act), Public Law Number 112-96, reallocates additional 700 MHz spectrum for use by public safety and sets forth Congress's vision for a nationwide interoperable public safety broadband network spearheaded by the First Responder Network Authority (FirstNet) located within the Department of Commerce. It also sets forth a funding mechanism for this network.

The Spectrum Act requires that the Commission "facilitate" the transfer of the 700 MHz spectrum to FirstNet. On April 6, 2012, the Commission's Public Safety and Homeland Security Bureau sought comment on how to accomplish this. Many commenters encouraged the Commission to continue to authorize early build out of state and local networks in this spectrum. Others, including the National Telecommunications and Information Administration (NTIA), urged the Commission to terminate all existing waivers and decline to grant any additional waivers.

The Commission is evaluating all aspects of this complex issue, and is currently considering an Order that would address the Nevada Petition and the other pending waiver petitions for early deployment in this spectrum in light of the Spectrum Act's mandates.

I share your strong interest in ensuring public safety, and I appreciate that the State of Nevada is making this a priority. I am also committed to ensuring the success of FirstNet and carrying out the Commission's obligations under the Spectrum Act.

Sincerely,

David Turetsky  
Chief, Public Safety and Homeland Security Bureau